

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**ROBBIE AUTERY and SHANE
FULMER,**

Plaintiffs,

V.

**KEVIN DAVIS, in his official capacity
as Sheriff of Chilton County, Alabama,
and individually,**

Defendant.

**CIVIL ACTION NO.:
2:08-CV-41-WC**

DEFENDANT KEVIN DAVIS' FIRST INTERROGATORIES TO PLAINTIFFS

COMES NOW the Defendant, and requests the Plaintiffs, separately and severally to answer the following Interrogatories pursuant to Rule 33 of the Federal Rules of Civil Procedure:

1. State the name, address, telephone number, and occupation of each person whom you may call to render an opinion at trial.
2. For each person listed above, please state the following:
 - (a) The qualifications of the expert to testify in this action;
 - (b) The citation and publication data for each book, magazine, article, or other printed material written by the expert;
 - (c) The subject matter on which the expert is expected to testify;
 - (d) The substance of the facts and opinions about which the expert is expected to testify;
 - (e) A summary of the grounds of each opinion of the expert.

(f) The data or other information considered by the expert in forming the opinions;

(g) A listing of any other cases in which the witness has testified as an expert at trial or by depositions within the last four (4) years.

3. State the name, address, occupation, and telephone number of each person that has information as to any of your claims in this action.

4. Please state each and every conversation that you or any one on your behalf had with any past or current agent, servant, or employee of the Defendant, including, but not limited to, the name and/or identity of the person who you talked to, the date, and what each party to the conversation said.

5. Please state precisely and in detail each and every element of damage you claim to have sustained, and itemize the amount of each.

6. Please list and itemize any and all related expenses, which the Plaintiffs claim as a result of the allegations in the Complaint.

7. If you, any agent, attorney, or representative has possession or control of, or know of the existence of any videotapes, audiotapes, pictures, photographs, plates, drawings, and other tangible information relating to the claims and/or damages in this lawsuit, please state for each such item

- (a) its nature;
- (b) its specific subject matter,
- (c) the date and time it was made or taken,
- (d) the identification, including name, address, and present whereabouts of the person making or taking it,
- (e) its present location, and
- (f) the identification, including name and address, of the person at whose request it was made or taken.

8. Please list and identify any cell phone(s), the name of the cell phone account(s) and cell phone number(s) Plaintiffs used or had at any time of Plaintiffs' employment with the office of the Chilton County Sheriff.

9. Do you contend that Kevin Davis has made an admission against his interest concerning any matter at issue in this civil action?

10. If your answer to Interrogatory Number 9 above was yes, please state each fact upon which you base that contention.

11. If your answer to Interrogatory Number 9 to the above was yes, please identify each person who has knowledge of any fact relating to that contention.

12. If your answer to Interrogatory Number 9 to the above was yes, please identify each document relating to that contention.

13. Please identify the present custodian of each document identified in your answer to Interrogatory Number 12.

/s/ C. Winston Sheehan, Jr.

C. WINSTON SHEEHAN (SHE 013)

Attorneys for Defendant Kevin Davis

/s/ Allison Alford Ingram

ALLISON ALFORD INGRAM (ALF005)

Attorneys for Defendant Kevin Davis

/s/ John W. Marsh

JOHN W. MARSH (MAR173)

Attorneys for Defendant Kevin Davis

OF COUNSEL:

BALL, BALL, MATTHEWS & NOVAK, P.A.

2000 Interstate Park Drive, Suite 204

Post Office Box 2148

Montgomery, Alabama 36102-2148

Phone: (334) 387-7680

Fax: (334) 387-3222

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2008, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system which will send notification of such filing to the following registered persons and that those persons not registered with the CM/ECF system were served by U.S. mail:

Hon. William E. Rutledge

Hon. Gregory F. Yaghmai

RUTLEDGE & YAGHMAI

3800 Colonnade Parkway, Suite 490

Birmingham, Alabama 35243

williamerutledge@aol.com

yaghmai@rylaw.net

/s/ C. Winston Sheehan, Jr.

OF COUNSEL

/s/ Allison Alford Ingram

OF COUNSEL

/s/ John W. Marsh

OF COUNSEL